

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
v.	)	CASE NO. 2:04CR214-A
	)	[WO]
XAVIER HOPKINS	)	

**ORDER ON MOTION**

Upon consideration of the Motion to Withdraw, filed by appointed counsel of the defendant on 2 May 2005 (Doc. # 152), the representations and testimony presented at the evidentiary hearing conducted on 16 May 2005, and for other good cause, it is

ORDERED that the motion is GRANTED. The motion to withdraw was amply supported by undisputed evidence of (1) the absence of trust by the defendant, (2) a breakdown in communication between attorney and defendant, and (3) the defendant's substantial unwillingness to accept and heed his attorney's advice. Accordingly, it is further

ORDERED as follows:

1. The court appoints JOHN POTI, Esq., as the defendant's new attorney.
2. The time for filing pretrial motions is hereby RE-OPENED, and defendant's new deadline for filing pretrial motions is 28 May 2005.
3. The trial of this case has been re-set for 29 August 2005. A pretrial hearing will be conducted on 31 May 2005 at 8:00 a.m. in Courtroom 5A, Frank M. Johnson, Jr. United States Courthouse Complex, One Church Street, Montgomery, Alabama.

4. Counsel for the parties are also ADVISED that they should be present at each pretrial hearing thereafter until the trial of this case. The pretrial dates are posted on the court's website.
5. The Clerk of the court is DIRECTED to place that portion of the hearing under SEAL from the time of the departure of the Terry Moorner, Esq., the Assistant United States Attorney, until the conclusion of the hearing. The proceedings shall remain under SEAL until further order of the court.
6. Although the final consent date for the trial of this case is 22 August 2005, counsel are encouraged, if appropriate, to seek the earliest consent date practicable.

DONE this 17<sup>th</sup> day of May, 2005.

/s/ Vanzetta Penn McPherson  
VANZETTA PENN MCPHERSON  
UNITED STATES MAGISTRATE JUDGE